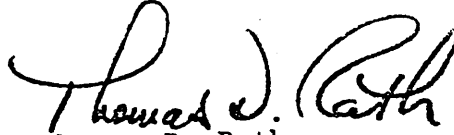


The Honorable Frank E. Adams
Page 2
August 17, 1976

I trust these answers are responsive to your questions and should this office be of any further assistance to you, please do not hesitate to call upon us.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Thomas D. Rath". The signature is written in dark ink and is positioned above the printed name and title.

Thomas D. Rath
Deputy Attorney General

TDR/r

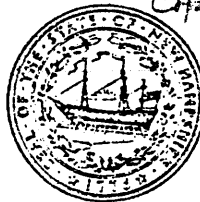
ATTORNEY GENERAL
DAVID H. SOUTER

DEPUTY ATTORNEY GENERAL
THOMAS D. RATH

ATTORNEYS

EDWARD N. DAMON
WILBUR A. GLAHN, III
PETER W. HEED
RICHARD B. McNAMARA
JAMES E. MORRIS
JAMES C. SARGENT, JR.

The State of New Hampshire



Copy in 260.18

Attorney General

Concord

August 17, 1976

open
ASSISTANT ATTORNEYS GENERAL
THOMAS B. WINGATE
JOSEPH A. DICLERICO, JR.
ROBERT V. JOHNSON, II
DONALD W. STEVER, JR.
ROGER G. BURLINGAME
EDWARD A. HAFFER
JOHN L. AHLGREN
GREGORY H. SMITH
RICHARD V. WIEBUSCH
JOHN T. PAPPAS
W. JOHN FUNK
JOHN S. KITCHEN
JAMES L. KRUSE

The Honorable Frank E. Adams
Deputy Secretary of State
State House
Concord, New Hampshire 03301

Dear Mr. Adams:

You have requested the opinion of this office as to the problems of succession within the office of Secretary of State following the resignation of Mr. Stark on September 1, 1976. This letter is written in an attempt to provide you with guidance in this area.

As Deputy Secretary of State, you will become Acting Secretary of State following the resignation of Mr. Stark on September 1. This is the practice which has been followed in the office of Secretary of State, most recently in Mr. Stark's own ascension to the post in 1960. This is covered in an opinion of then Attorney General Wyman on February 8, 1960. As Acting Secretary of State, you will be empowered by Part II, Article 69 of the Constitution of the State of New Hampshire to appoint an Acting Deputy Secretary of State.

It is my understanding that you intend to appoint former Deputy Secretary of State Edward C. Kelley to the position of Acting Deputy Secretary of State and then you intend to resign and wish to know what the impact of that resignation would be on your office. Once you appoint an Acting Deputy Secretary of State, that individual would become Acting Secretary of State upon your resignation. Once he becomes Acting Secretary of State, he would have the same power under Part II, Article 69 of the New Hampshire Constitution to appoint a Deputy.